

Remarks

Claims 1-8 and 10-12 are pending in the application. Examiner incorrectly stated that no grounds of traversal were given in the previous response. Applicants have reproduced their grounds of traversal below directly quoted from their previous response.

"Applicants respectfully disagree with Examiner's restriction with respect to Group IV claims. Claims 11 and 12 are directly linked to the compounds of amended Claim 1; therefore, there would be no added burden on the Examiner to consider the pending composition and method of use claims along with the compounds of Claim 1. Even though the method of use claims may be independent and distinct, these claims would be subject to rejoinder when the compounds of Claim 1 are found allowable. (see, MPEP 821.04)."

Applicants maintain their traversal of Claims 11 and 12 based on the argument above and in light of their right of rejoinder in accordance with MPEP 821.04.

Claim 1 has been amended to incorporate the limitations of Claim 3 and the intervening Claim 2 into Claim 1. Consequently, Claims 2 and 3 have been cancelled.

Claims 4, 5, 7 and 8 have been amended to provide proper dependency due to the cancellation of Claim 2.

Claim 6 was amended to remove redundant subject matter.

Claim 10 was amended to remove "2,2,2-Trifluoro-N-{3-[3-(2-hydroxy-indan-2-ylmethyl)-8-methoxy-3-aza-bicyclo[3.2.1]oct-8-yl]-phenyl}-acetamide" which is no longer within the scope of Claim 1.

102 Rejections

Claims 1-2, 4-5, 7-8 and 10 were rejected under 35 USC §102(b) as being anticipated by Kim et al., J Med. Chem., 2003, Vol. 46 pages 1456-1464.

Applicants respectfully submit that the amendment of Claim 1 to incorporate the subject matter of Claim 3 into Claim 1 renders this rejection moot.

Claims 1-2, 4-5, 7-8 and 10 were rejected under 35 USC §102(b) as being anticipated by Ahou, et al., Yaoxue Xuebao, 1982, Vol. 17, pages 503-9.

Applicants respectfully submit that the amendment of Claim 1 to incorporate the subject matter of Claim 3 into Claim 1 renders this rejection moot.

Applicants respectfully submit that Claims 1, 4-8, 10, 11 and 12 are in condition for allowance.

Respectfully Submitted:

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